

S/N 10/597459

**Amendments to the Drawings:**

Please replace the original drawing with the attached replacement sheet of the formal drawing.

FIG. 12 has been amended to be labeled as "Prior Art".

Attachment: Replacement Sheet FIG. 12

S/N 10/597459

### REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and following remarks.

It appears that the Examiner failed to note the earlier amendment of claims 5, 6, and 8 in the PCT Article 34 Amendment. A courtesy copy was filed with the request to begin the U.S. national stage on July 26, 2006.

Claim 1 has been amended as supported by, for example, paragraph [0052] of the specification. Claim 5 has been amended as supported by, for example, paragraph [0085] of the specification. Claims 7-8 have been canceled without prejudice or disclaimer.

### Drawing Objection

The drawing is objected to for the reason noted in the office action. An appropriate legend has been added to FIG. 12. Withdrawal of the objection is requested.

### Prior Art Rejections

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuda et al. (JP 2002-372231). Applicants respectfully traverse this rejection.

Claim 1 is directed to an opening in which a driving portion is inserted, the driving portion being provided in an insertion port of the liquid fuel cell in which the fuel cartridge is inserted, and a film that closes the opening.

Tsuda does not disclose a film that closes the opening in which the driving portion, provided in an insertion port of the liquid fuel cell, is inserted. Therefore, Tsuda does not teach or suggest every element of claim 1 and claim 1 is not anticipated by Tsuda. Applicants respectfully request that the rejection be withdrawn.

Claim 2 is allowable at least by virtue of its dependence on independent Claim 1 and the rejection of this claim should be withdrawn. Applicants do not concede the correctness of the rejection.

S/N 10/597459

Obviousness Rejections

Claims 1-4 and 7 are rejected under under 35 U.S.C. 103(a) as being unpatentable over Deinzer et al. (CA 2 467 093) in view of Tsuda et al. (JP 2002-372231). Applicants respectfully traverse this rejection.

Claim 1 claims an opening in which a driving portion is inserted, the driving portion being provided in an insertion port of the liquid fuel cell in which the fuel cartridge is inserted, and a film that closes the opening.

Neither Deinzer nor Tsuda discloses a film that closes the opening in which the driving portion, provided in an insertion port of the liquid fuel cell, is inserted. Therefore, the rejection should be withdrawn.

Claims 2-4 are allowable at least by virtue of their dependence on independent claim 1. The rejections of these claims should be withdrawn. Applicant is not conceding the correctness of the rejections.

Claims 5, 6 and 8 are rejected under under 35 U.S.C. 103(a) as being unpatentable over Deinzer et al. (CA 2 467 093) in view of Macek (U.S. Patent 3,509,892). Applicants respectfully traverse this rejection.

Claim 5 claims the fuel supply port protecting mechanism includes at least a first valve and a second valve provided in series on a fuel passage connecting the fuel storage container to the fuel supply port. The benefit of a first valve and a second valve in series is that stored fuel can only be released if both valves are opened simultaneously, thereby preventing the leakage of stored fuel. Neither Deinzer nor Macek disclose or suggest these features.

Deinzer merely discloses an outlet opening 1a that is closed by a non-return valve 411. Deinzer does not disclose or suggest a first valve and a second valve provided in series on a fuel passage, as required by claim 5.

Macek merely discloses a process and an apparatus for a liquid level control. Macek discloses a plurality of valves for convenience in cleaning or replacing one of the valves without interrupting operation (col. 4, lines 43-47). Additionally, the plurality of

S/N 10/597459

valves in Macek are not in series and fluid can be released with the opening of a single valve.

Even if a person skilled in the art combines the above references, the effects of claim 5 cannot be achieved. Modifying the single valve disclosed by Deinzer into a plurality of valves as disclosed in Macek, does not provide the advantage of providing valves in series as in claim 5. Therefore, Macek has no suggestion or motivation to combine with Deinzer and claim 5 is not obvious either from Deinzer or Macek, or their combination. Applicants respectfully request that the rejection of claim 5 be withdrawn.

Claim 6 is allowable at least by virtue of its dependence on independent claim 5 and the rejection of this claim should be withdrawn. Applicants do not concede the correctness of the rejection.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,



Dated: July 30, 2009

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902  
Minneapolis, MN 55402-0902  
(612) 455-3800

By:   
Douglas P. Mueller  
Reg. No. 30,300  
DPM/lif